

NEBRASKA ADMINISTRATIVE CODE

TITLE 219 - DEPARTMENT OF LABOR

CHAPTER 15 - MONETARY AND NON-MONETARY REDETERMINATIONS

001. Pursuant to *Neb. Rev. Stat.* §48-631 and §48-607, the Commissioner or the Commissioner's designee may redetermine a previous monetary or non-monetary determination if (1) there is an error in computation or identity, (2) pertinent wages not previously considered have been newly discovered, or (3) benefits have been allowed or denied or the amount fixed based upon misrepresentations of fact. When deciding if a redetermination should be made, the following definitions shall provide guidelines:

- A. "Error in computation". Erroneous information based on omission, misconception, or mathematical error with a resultant consequence of altering claimant eligibility.
- B. "Error in identity". The identity of a specific individual or employer as claimed or asserted which does not meet the condition of being the same as described.
- C. "Newly discovered wages". Wages for an individual relevant to their eligibility which have not been previously known or incorrectly reported and documented.
- D. "Misrepresentation of fact". An indication by words or other conduct by a person(s) to another that, under the circumstances, amounts to an assertion by words or other conduct not in accordance with the facts, and that if accepted leads the mind of the person relying thereon to an understanding other and different from that which actually exists. Misrepresentation can occur either ignorantly or intentionally:
 - (1) Ignorance, when it produces legal consequences, may be defined as misrepresentation. In other words, the party supplying information is not cognizant of true facts; and
 - (2) Intentional misrepresentation is a falsehood or untruth made with the design or purpose of deceit. Misrepresentation may consist in the concealment of what is true as well as in the assertion of what is false. In order to constitute fraud, statements must be made with the intent of securing benefits to which they are not entitled or preventing payment of eligible benefits.